

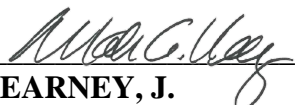
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GERARD TRAVERS : CIVIL ACTION
v. : NO. 19-6106
FEDEX CORPORATION :

ORDER

AND NOW, this 20th day of May 2020, consistent with our continuing review of the legal arguments in Defendant’s Motion to dismiss (ECF Doc. No. 30), Plaintiff’s Response (ECF Doc. No. 36), and Defendant’s Reply (ECF Doc. No. 40), it is **ORDERED** each party is granted leave to file supplemental Memoranda not exceeding twelve pages to be filed on or before **May 28, 2020** addressing:

1. What is the plead “benefit” Plaintiff seeks to be provided, i.e. “wages” or “paid leave”;
2. How should we apply the *Fishgold* canon of interpreting liberally in favor of servicemembers including where does the Plaintiff find support for applying it to any ambiguity and, if so, how or why do we evaluate legislative history if the *Fishgold* canon dictates we must find in favor of servicemembers should we find the text ambiguous;
3. Does the legislative history afford a clear statement showing Congressional intent to provide paid military leave under 38 U.S.C. § 4316; and,
4. Do federal employees in the military reserves arguably covered by both 5 U.S.C. § 6223 and USERRA receive a minimum of fifteen or thirty days per year paid military leave and, regardless of the answer, should we consider this information in interpreting USERRA.


KEARNEY, J.